IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2242 OF 2006

Tej Pratap Matuk Bahadur Singh .. Petitioner

Vs.

Mumbai Metropolitan Region
Development Authority & Ors. .. Respondents

Mr.Anil R. Mishra for the petitioner

Ms.K.Bagalia for respondent no.1

Mr.K.R.Belosay, G.P. for respondent nos.2 and 3

Ms.Shobha Ajitkumar for respondent no.4

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 1ST AUGUST, 2007

P.C.:

1. Heard the learned counsel for the parties. Rule.

2. By consent, rule made returnable forthwith.

3. The petitioner was carrying on hotel business in the premises at New Link Road whose

structure was affected by road construction and widening of the 120ft. wide Link Road.

4. The case of the petitioner is that he is a Project Affected Person (PAP) and his premises, which is the subject matter of the petition is protected under the policy of the Government. He was given assurance of permanent alternate accommodation within a week and he, therefore, allowed his premises to be demolished for road widening. However, inspite of more than one year having elapsed he has not been allotted a permanent alternate accommodation. According to the petitioner, he made representation to the authorities for alternate accommodation. However, so far he has not been provided alternate accommodation in lieu of his old premises. The petitioner has therefore, approached this court seeking a writ directing the respondents to provide him permanent alternate accommodation in lieu of his premises which was demolished.

5. The petitioner has placed on record a letter dated 06.03.07 wherein the Corporation has

stated that the eligibility of the petitioner as decided by the Deputy Collector (Encroachment Removal) was informed to the respondent Corporation very late i.e. after the structure was removed from the site and now the construction of the work was entrusted to the MMRDA.

6. We find that even according to the respondents, the petitioner is eligible for permanent alternate accommodation. The respondents are therefore, directed to provide permanent alternate accommodation to the petitioner within 3 months from the date of this order in accordance with law. With the above directions, Writ Petition is disposed of and rule is made absolute in terms aforestated.

(J.N. PATEL, J)

(A.A. SAYED, J)